

EDWARDS ANGELL PALMER & DODGE LLP
Rory J. McEvoy
Jason D. Stuart
Attorneys for Defendant
750 Lexington Avenue
New York, New York 10022
212.308.4411
rmcevoy@eapdlaw.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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D'JUNA PETERS,	:
	:
Plaintiff,	:
	:
-against-	:
	:
MOUNT SINAI HOSPITAL,	:
	:
Defendant.	:
	:
-----	X

08 Civ. 7250 (CM)

**DEFENDANT'S PROPOSED
VOIR DIRE QUESTIONS**

Defendant Mount Sinai Hospital ("Mt. Sinai") respectfully requests that the Court ask the following *voir dire* questions of potential jurors:

Personal:

1. Do you know or are you related to the Plaintiff D'Juna Peters, or any of her family members?
2. Are you, or have you ever been, married?
3. Do you have children?
4. Do you own or rent your home?
5. What is your educational background?
6. Do you belong to any clubs, teams, or community organizations? If so, please describe them.

Mount Sinai Hospital:

7. Have you or a member of your family ever been employed by Mt. Sinai?

- (a) If so, when?
 - (b) What position did you or they hold?
 - (c) Where did you or they work?
 - (d) If no longer employed by Mt. Sinai, why did you or they leave?
 - (e) Are you or they working since being employed by Mt. Sinai?
8. Have you or any member of your family ever been a patient at Mt. Sinai?
- (a) If so, when?
 - (b) How would you describe your or your family member's experience at Mt. Sinai as a patient?
 - (c) How would you describe the treatment that you or your family member received at Mt. Sinai from doctors, nurses and staff?
9. Have you, your spouse or any member of your immediate family, or any personal friend ever had a dispute with Mt. Sinai?
- (a) If so, what was the nature of the dispute?
 - (b) Would this experience affect your ability to decide this case in an impartial manner?
10. Have you read anything about Mt. Sinai or seen anything about it on television that has influenced or affected your opinion of it?

Employment History:

11. Where do you work?
12. How long have you been employed there?
- (a) If less than one year, where were you employed previously?
 - (b) In what capacity?
 - (c) For how long?
13. What is your job title?
14. What are your job duties?
15. Do you supervise other employees?

16. Do you have any responsibility for hiring, promoting, or terminating others? If yes, please explain.
17. Have you ever recommended the termination or demotion of an employee? If yes, please explain.
18. If self-employed, what is the nature of your business?
19. Do you feel that your work experience or the work experience of your spouse or any member of your family will have any bearing on your decision in this case?

Do You Know:

20. Do you, your spouse or any member of your immediate family, or any personal friend know any of the following individuals? If yes, please describe the nature of the relationship?
 - (a) Judy Miranda (Associate Director of Recanti/Miller Transplantation Unit)
 - (b) Grace Yawson (Nursing Department Administrator)
 - (c) Winston Charles (Nursing Department Administrator)
 - (d) Margaret Alade (Nursing Department Administrator)
 - (e) Nicole Chen (Nurse in Recanti/Miller Transplantation Unit)
 - (f) Jeff Cohen (Mt. Sinai Vice President of Labor Relations)
 - (g) Erlinda Coronel-Liggayu (Nurse in Recanti/Miller Transplantation Unit)
 - (h) Irish Mae Talanay (Nurse in Recanti/Miller Transplantation Unit)
 - (i) Kyoung Jin Park (Nurse in Recanti/Miller Transplantation Unit)
 - (j) Mary Lynn Wong (Nurse in Recanti/Miller Transplantation Unit)
 - (k) Erica Lee (Nurse in Recanti/Miller Transplantation Unit)
 - (l) Agnes Seo (Nurse in Recanti/Miller Transplantation Unit)
 - (m) Lori Crump (Nurse in Recanti/Miller Transplantation Unit)
 - (n) Marlon Gordon (Business Associate in Recanti/Miller Transplantation Unit)
 - (o) Lavonia Francis (Senior Director of Nursing for Ambulatory Care – formerly Director of Clinical Nursing Affairs at Mt. Sinai)

- (p) Livia Navie (Physician Assistant in Recanti/Miller Transplantation Unit)
- (q) Edwin Del Campo (Nurse in Recanti/Miller Transplantation Unit)
- (r) Latanya Bather (Nurse in Recanti/Miller Transplantation Unit)
- (s) Rachel Khorim (Nurse in Recanti/Miller Transplantation Unit)
- (t) Janett Rivera (Patient Care Associate in Recanti/Miller Transplantation Unit)
- (u) Anat Abeckaser (Physician Assistant in Recanti/Miller Transplantation Unit)
- (v) Jean Orent Hermele (Patient Representative in Mt. Sinai)
- (w) Paul Downing (Business Associate in Mt. Sinai)
- (x) Nicole Wilson (Nurse in Recanti/Miller Transplantation Unit)
- (y) Denise Eddie (Nursing Department Administrator)
- (z) Gemma Jackson (Nursing Department Administrator)
- (aa) Dalton Dickenson (Security Supervisor)
- (bb) Geoffrey Springer (Security Officer)
- (cc) Ellen Shields (Plaintiff's Therapist)
- (dd) Linda Margulies (Nurse Educator in Mt. Sinai)
- (ee) Denise Hamilton
- (ff) Etta Henry-Longley (Union Delegate)
- (gg) D'Juna Peters (Plaintiff)
- (hh) Rory J. McEvoy (Counsel for Defendant)
- (ii) Jason D. Stuart (Counsel for Defendant)
- (jj) Ambrose W. Wotorson (Counsel for Plaintiff)

Employment Disputes and Issues:

21. Do you think on the whole that hospitals treat their employees fairly? If not, please explain.

22. Do you think on the whole that doctors treat their employees fairly? If no, please explain.
23. Do you think on the whole that employers treat fairly employees who complain to their employer? If not, please explain.
24. Have you, your spouse or any member off your immediate family, or any personal friend ever complained to an employer regarding an employment practice?
25. Have you, your spouse or any member of your immediate family, or any personal friend ever complained to an employer for any other reason?
26. Have you, your spouse or any member of your immediate family, or any personal friend ever felt or believed that you or they were mistreated by an employer due to making a complaint to that employer?
27. Have you, your spouse or any member of your immediate family, or any personal friend ever witnessed mistreatment of an employee by an employer due to the employee's complaining to that employer?
28. Have you, your spouse or any member of your immediate family, or any personal friend ever witnessed mistreatment by an employer for any other reason?
29. Have you, your spouse or any member of your immediate family, or any personal friend ever had any trouble with human resources, employment procedures or practices, or paperwork related to your or their employment?
30. Have you, your spouse or any member of your immediate family, or any personal friend ever been disciplined at work? If yes, please explain.
31. Have you, your spouse or any member of your immediate family, or any personal friend ever felt that a supervisor unfairly evaluated your or their work performance? If yes, please explain.
32. Have you, your spouse or any member of your immediate family, or any personal friend ever filed a complaint of unfair employment practices with a government agency? If yes, please explain.
33. Have you, your spouse or any member of your immediate family, or any personal friend ever worked for or had contact with the Equal Employment Opportunity Commission? If yes, please describe.
34. Have you, your spouse or any member of your immediate family, or any personal friend ever worked for or had contact with the New York State Division of Human Rights or the human rights agency of any other state or county? If yes, please describe.

- 35. Have you, your spouse or any member of your immediate family, or any personal friend ever filed a lawsuit against your or their employer?
- 36. Have you ever believed that you could have filed a lawsuit but chose not to do so? If yes, please explain.
- 37. Have you, your spouse or any member of your immediate family, or any personal friend ever been a party to a lawsuit? If so, what was the nature of the case?
- 38. Have you, your spouse or any member of your immediate family, or any personal friend ever been employed by a company that was accused of unfair employment practices?
- 39. Have you, your spouse or any member of your immediate family, or any personal friend ever been employed by a company that treated an employee unfairly but was never accused of any inappropriate conduct?

General:

- 40. Do you feel that you would be able to follow the judge's instructions of law even if you disagreed with her instructions and felt that the law ought to be otherwise?
- 41. If, after hearing all the evidence in this case, you felt sorry for the plaintiff, but you also found that her rights had not been violated, would you want the plaintiff to be compensated by Mt. Sinai? If yes, please explain.
- 42. If, after hearing all the evidence in this case, you felt sorry for the plaintiff because Mt. Sinai's reason for terminating her was made in good faith but was a mistake, would you have a problem rendering a verdict for Mt. Sinai if the judge told you that you were required to do so?
- 43. Do you know of any reason that would prevent you from fairly considering the evidence in this case and reaching an impartial result? If yes, please explain.
- 44. Have you ever been a witness in a trial or hearing? If yes, please describe the type of case and the outcome.
- 45. Have you ever served as a juror? If yes, please describe the type of case and the outcome.
- 46. Do you know of any reason why you should not be a juror in this case? If yes, please explain.
- 47. Do you believe that an important function of juries in America is to send messages to employers to improve their behavior?
- 48. Do you feel that employers deserve the same treatment in court as individual litigants?

49. Do you have any belief or feeling for or against corporations or hospitals that might prevent you from being a completely fair and impartial juror in this case?
50. Would you tend to give greater weight to the statements of D'Juna Peters simply because she was an employee and has filed this lawsuit against her former employer, Mt. Sinai?
51. When you hear that someone has been discharged or demoted, do you tend to believe that he or she was not treated fairly? If so, why?
52. When someone complains about unfair treatment in the workplace, do you believe it is more likely than not that the person's story is true?
53. Do you think employees ever bring unfounded claims against their employers?
54. Do you think people actually fabricate their claims, or are they just mistaken about the thoughts and motivations of their co-workers and/or supervisors?
55. Have you read or heard about cases where individuals sue their current or former employers, claiming their employers treated them improperly or unfairly? What do you think about these kinds of lawsuits?
56. Have you ever witnessed coworkers or supervisors, managers or bosses commit or engage in unlawful or illegal acts while at work? If yes, please explain.
57. Do you trust large companies?
58. Do you trust hospitals?
59. Do you think people generally try to treat others at work fairly and with respect?
60. Do you believe discrimination is a major problem in the workplace today?
61. From what you have heard or read, do you think that in recent years the money awards from lawsuits have generally been too high or too low or about right?
62. From what you have heard or read, do you think that in recent years the number of lawsuits filed has generally been too high or too low or about right?

Dated: New York, New York.
July 10, 2009

EDWARDS ANGELL PALMER & DODGE LLP

By: 

Rory J. McEvoy
Jason D. Stuart
750 Lexington Avenue
New York, NY 10022
212.308.4411